KH

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,517	07/31/2003	Paulo Matos	U1656-00007	4344

53897   7590   11/15/2007
DUANE MORRIS LLP
101 WEST BROADWAY
SUITE 900
SAN DIEGO, CA 92101-8285

EXAMINER
ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
11/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/632,517	MATOS ET AL.
	Examiner	**Art Unit**	
	Angela A. Armstrong	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 August 2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *42-60* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *42-60* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on August 31, 2007, has been entered.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on August 31, 2007, has been

considered by the Examiner.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 42-47, 49, and 52-59 are rejected under 35 U.S.C. 102(b) as being anticipated by

Britton (US Patent No. 4,785,408).

5.   Britton discloses a method and apparatus for generating computer-controlled interactive

voice services.

6.   Regarding claim 42, Britton discloses a system for composing dialogs to be executed for providing and receiving information to and from remote human subjects by telephone, comprising: at least one programmed processor coupled to a memory and to an operator interface, wherein the processor is programmed to compose and store a dialog under control of a human configuror (col. 4, line 42), which dialog is thereafter executable to accomplish input and output operations (col. 4, lines 24-32) over a telephone network (col. 4, lines 24-32) between a remote subject and a data repository (col. 4, lines 11-42); wherein the processor is programmed to offer for selection by the configuror and to accept selections via the operator interface, a plurality of dialog components and applicable options, wherein said dialog components have predefined behaviors that interact with one another, with the subject and with the data depository, according to said selections of the dialog components, a sequence of the dialog components and selected said applicable options (Figure 5; col. 9, line 1 to col. 10, line 23; col. 10, line 27 to col. 14, line 18); wherein the dialog components that are offered to the configuror for selection are limited by the processor and are provided by the processor with limited selectable options, determined according to programming of the processor to be operational Figure 5; col. 9, line 1 to col. 10, line 23; col. 10, line 27 to col. 14, line 18); whereby the configuror can assemble an operational dialog using the processor (col. 4, line 11 to col. 8, line 4; col. 9, lines 1 to col. 14, line 18) and the configuror need not understand specifics of the behaviors and interactions of the dialog components (col. 5, lines 46-67).

        Regarding claim 43, Britton discloses the behaviors of the dialog components comprise: at least one data repository access operation for at least one of storing and retrieving data that is particular to a subject (col. 8, lines 5-21); at least one audio playback behavior for one of reading

and recording an audio clip for a subject, and at least one remote data input operation for

accepting a subject-specific input value (col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col.

18, line 34 to col. 19, line 15); at least one data storage operation for storing a subject-specific

output value (col. 8, lines 5-21).

Regarding claim 44, Britton discloses the behaviors of the dialog components further

comprise at least one conditional operation (col. 6, lines 49-59) wherein an executed sequence of

the dialog components is varied according to at least one of said data that is particular to the

subject, said subject-specific input value (col. 18, lines 24-33), and a value that is derived using

at least one of said data and said input value.

Regarding claim 45, Britton discloses the behaviors include at least one predefined said

conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col.

18, line 34 to col. 19, line 25) comprising distinguishing among an answering machine remote

subject response, a human remote subject response, a response of a predetermined human versus

a response of an unknown human, and a lack of response determined from at least one of a

continued ringing, detection of a busy signal, and silence.

Regarding claim 46, Britton discloses the behaviors include at least one predefined said

conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col.

18, line 34 to col. 19, line 25) comprising prompting for a response from the remote subject and

distinguishing for at least one expected possible response from the remote subject versus a

different response from the remote subject.

Regarding claim 47, Britton discloses the behaviors include at least one predefined said

conditional operation (col. 4, lines 11-22; col. 5, lines 10-14; col. 7, line 57 to col. 8, line 4; col.

18, line 34 to col. 19, line 25) comprising distinguishing among at least two potential expected

audio responses and an unexpected response, and wherein said responses comprise at least one

of audio and numeric tone signals.

Regarding claim 49, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

include at least one policy option relating to outgoing communications, comprising an automated

schedule affecting at least one of execution time and execution date for a behavior; a maximum

number of repeated attempts of a dialog; and, a maximum number of calls to be delivered

concurrently.

Regarding claim 52, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

include at least one policy option comprising: a maximum number of repeated attempts of a

behavior within a dialog; and, a selection among alternative audio playback messages.

Regarding claim 53, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

presented for selection by the configuror comprise associating at least one said policy option

with a subset of the remote human subjects determined by information regarding said remote

human subjects from the data depository.

Regarding claim 54, Britton discloses the options (col. 5, line 50 to col. 8, line 22)

presented for selection by the configuror comprise associating at least one said policy option

with a subset of the remote human subjects determined by information regarding said remote

human subjects from the data depository.

Regarding claim 55, Britton discloses the conditional operation comprises (col. 5, line 50

to col. 8, line 22; col. 9, line 1 to col. 14, line 18; col. 17, line 14 to col. 19, line 25) at least one

of: if/then conditional execution of a behavior determined according to a variable value

determined from at least one of said data that is particular to the subject, said subject-specific input value, and a value that is derived using at least one of said data and said input value; looping execution of a behavior determined according to said variable value; establishing error conditions arising from one of presence and absence of said variable value; and, repeating execution of a behavior upon one of presence and absence of said variable value.

Regarding claim 56, Britton discloses the conditional operation (col. 5, line 50 to col. 8, line 22; col. 9, line 1 to col. 14, line 18; col. 17, line 14 to col. 19, line 25) comprises varying execution of a behavior as a result of a comparison of said variable value to one of another variable value and a constant value.

Regarding claim 57, Britton discloses the processor is programmed to offer to the configuror at least one composed dialog having a function provided by a sequence of said behaviors (Abstract; col. 4, line 11 to col. 8, line 4; col. 9, line 1 to col. 14, line 18).

Regarding claim 58, Britton discloses (col. 6, line 65 to col. 7, line 10; col. 17, lines 14-24) the function comprises at least one of: attempting telephone communications with a list of remote subjects by telephone number; confirming establishment of a connection to a telephone number expected for a given remote subject; distinguishing between a connection with a human and a connection with an automated answering device; reading out at least one data value for potential confirmation by the remote subject as accurate; providing to the remote subject an option of at least two potential choices and recording a choice of the subject in the data repository; looping through a given sequence of behaviors; retrying upon detection of at least one error condition; and transferring the connection.

Regarding claim 59, Britton discloses (col. 6, line 65 to col. 7, line 10; col. 17, lines 14-24) the processor is programmed to offer to the configuror for selection at least one composed dialog having a function provided by a sequence of said behaviors that comprise at least one of: attempting telephone communications with a list of remote subjects by telephone number; confirming establishment of a connection to a telephone number expected for a given remote subject; distinguishing between a connection with a human and a connection with an automated answering device; reading out at least one data value for potential confirmation by the remote subject as accurate; providing to the remote subject an option of at least two potential choices and recording a choice of the subject in the data repository; looping through a given sequence of behaviors; retrying upon detection of at least one error condition; and transferring the connection.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 48 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton in view of McCarthy (US Patent No. 7,003,079).

9.   Regarding claims 48 and 60, Britton does not specifically teach the operation of the dialog includes generating and storing a dialog creation summary or a call report summary.

McCarthy discloses (col. 2, line 35 to col. 6, line 32) an apparatus and method for monitoring the performance of an interactive voice response (IVR) system used by an automated call processing center generates logs of call activity, determines routing information from the logs, and determines at least one quantity correlated to a true intention of callers. A performance model of the IVR system is generated from the logs. The logs, the routing information, the quantity correlated to the true intention of the callers, and the performance model are analyzed to determine a performance value of the IVR system, which is used to monitor the IVR system. McCarthy specifically teaches the system is beneficial in evaluating the usability and cost-effectiveness of the telephone user interface by quantifying usability problems and justifying the cost of improving the user interface (col. 2, lines 35-44). Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Britton to implement dialog summaries and/or call report summaries as taught by McCarthy, for the purpose of evaluating the usability and cost-effectiveness of the telephone user interface, as suggested by McCarthy.

10.   Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton in view of Eberle (US Patent No. 6,850,603).

11.   Regarding claims 50 and 51, Britton does not specifically teach an option to include at least one policy option relating to incoming communications, comprising an automated schedule affecting execution date for a behavior. Eberle discloses a system and method for creation and automatic deployment of personalized, dynamic and interactive voice services, including information derived from on-line analytical processing (OLAP) systems and other

data repositories, to allow for personalized delivery of information in real-time, via natural language voice communication with a voice-enabled terminal device. The system and method combines personalized information broadcast technology with an active voice page. An active voice page is created by the system, stored in a call database and used to generate dynamic voice menus. A call server retrieves the AVP from the call database and delivers the content of the service by dialing a subscriber's telephone number, speaking message text to the subscriber and recording the subscriber's input in response to the call menus. The system also allows the creator or user to specifies when the voice service is to be executed. A user may schedule a voice service to execute according to the date, the time of day, the day of the week, etc. and thus, the scheduling condition will be a date, a time, or a day of the week, either one time or on a recurring basis. In the case of an alert service, discussed in more detail below, the scheduling condition will depend on satisfaction of one or more conditions. It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Britton to implement an automated schedule affecting execution date for a behavior, as suggested by Eberle, for the purpose of providing alerts to a user for the delivery of information to the voice services subscriber, as suggested by Eberle.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Agarwal (US Patent Application Publication 2004/0085162)

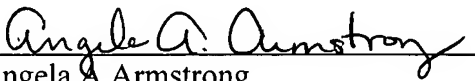Healey (US Patent Application Publication 2003/0225825)

Norton (US Patent 6,510,411)

Hank (US Patent No. 6,321,198)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598.

The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Angela A. Armstrong
Primary Examiner
Art Unit 2626

AAA
November 11, 2007